REMARKS/ARGUMENTS

Responsive to the communication mailed on August 9, 2004, Applicants provide the following remarks in an effort to address the issues presented by the Examiner. Applicants submit that this response adds no new matter to the application. Reconsideration and reexamination are respectfully requested.

RESTRICTION REQUIREMENT

A restriction requirement under 35 U.S.C. § 121 has been imposed on claims 1-14. Specifically, the Examiner has recognized two inventions:

Invention I – Claims 1-12; and

Invention II – Claims 13-14.

Required Election

To comply with the restriction requirement Applicants hereby elect, with specific traverse, the claims drawn to **Invention I – Claims 1-12** for prosecution on the merits.

Election Traversal

For the reasons set forth in detail below, Applicants traverse the requirement for election of invention and respectfully request reconsideration and withdrawal of the requirement. Further, Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected invention. Applicants do not hereby abandon or waive any rights in the non-elected invention.

Criteria for Restriction

The necessary criteria for a proper restriction requirement have been clearly defined. Each restriction must meet two separate requirements. These requirements reflect both the statutory basis for restriction under 35 U.S.C. § 121 and its discretionary nature. The criteria are described in the Manual of Patent Examining Procedure (MPEP) at section 803, in relevant part, as follows:

> There are two criteria for a proper requirement for restriction between patentably distinct inventions:
>
> (1) The inventions must be independent...or distinct as claimed; *and*
>
> (2) There must be a serious burden on the examiner if restriction is required...

Basis for Present Restriction Requirement

The Examiner states on page 2 of the Office Action that this application contains claims directed to the following patentably distinct inventions: Invention I, Claims 1-12, drawn to a spark plug, and Invention II, Claims 13-14, drawn to the process for the manufacture of a spark plug. It is the Examiner's opinion that the restriction is proper because Invention I and Invention II are distinct inventions, as the claimed spark plug could be made by another and materially different process than that which is claimed, and therefore, the search required for Invention I is not required for invention II.

Restriction Is Not Required For The Instant Application

Applicants respectfully disagree that election is required in this application between Inventions I and II because the inventions are not distinct and no serious burden would be placed on the Examiner by examining both inventive groups. Applicants contend that the spark plug of claim 1 can only be produced by the process of claim 13 and the process of claim 13 can only produce the spark plug of claim 1.

Conclusion

For the above stated reasons, no serious burden is placed on the Examiner by the concurrent examination of the claims that read on both inventive groups, and therefore, election should not be required between those two inventions in this application.

Applicants request, therefore, that Invention I and Invention II, respectively, be rejoined in a single group and concurrently examined in this application.

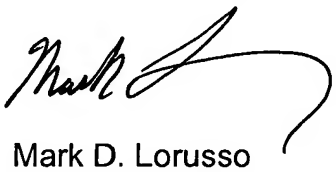
AMENDMENT

In accordance with page 2, paragraph 9, of the Office Action, Applicants have corrected the dependency of claim 14 so that claim 14 now depends upon independent claim 13. No material changes have been made to claim 14.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, a timely notification of allowance is courteously requested. If, for any reason, the Examiner is inclined to further reject any of the claims, Applicants requests that counsel be contacted to resolve any remaining issues. Reconsideration is requested and favorable action is solicited.

Respectfully submitted,



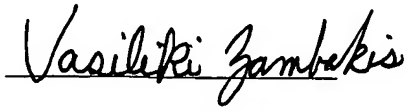
Mark D. Lorusso
Reg. No. 41,955

Dated: November 9, 2004

LORUSSO LOUD & KELLY LLP
15 Rye Street, Suite 312
Pease International Tradeport
Portsmouth, NH 03801
Tel.: (603) 427-0070
FAX: (603) 427-5530

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this Amendment and Response and any paper or document referred to therein as being attached or enclosed is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 9, 2004.



Vasiliki Zambakis